IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(***Special Original Jurisdiction***)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO: 9719 of 2005

Between:

B. Linganna S/o chinna Ravanna
R/o N. Rangapuram Village, Peapully mandal Kurnool District

..... PETITIONER

A N D

1 The Joint Collector, Kurnool District
2 The Revenue Divisional Officer, Kurnool District
3 The Mandal Revenue Officer, Peapully mandal, Kurnool District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order of the 2nd respondent in canceling the authorization of the petitioner without fixing the date of hearing by vide proceedings Rc.B1354/2004 dt.14-03-2005 as illegal, arbitrary, arbitrary malafide against the provisions of Central Order 2001 and consequently set a side the same.

Counsel for the Petitioner: MR.K.V.RAGHU VEER

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

*The Court at the stage of admission made the following***:** (order follows 2nd page)

O R D E R :

This writ petition is filed to declare the order of the second respondent in canceling his authorization without fixing the date of hearing by proceedings RC.No.B/1354/2004, dated 14-3-2005 as arbitrary, illegal and violation of A.P. Distribution System (Control) Order 2001 and consequently set aside the same.

The petitioner submits that the second respondent appointed him as Fair Price Shop Dealer on permanent basis and as such, he was distributing the essential commodities to the cardholders of N.Rangapuram village of Peapally Revenue Mandal of Kurnool district. The Mandal Revenue Officer, Peapully submitted a report in RC.No.B/180/2004, dated 20-9-2004 to the Revenue Divisional Officer, Kurnool stating that in the month of August the fair price shop dealer of Peapully village has been allotted 482 litres of Kerosene oil @ 2 litre per coupon but on verification only 136 coupons were found with him and that the distribution of Kerosene oil was not tallied with the coupons and that there was variation of 78 litres of Kerosene oil. On the basis of the said report, the second respondent suspended his authorization pending enquiry by his proceedings RC.No.B/1354/2004, dated 17-10-2004. Assailing the orders passed by the Revenue Divisional Officer, Kurnool, the petitioner filed an appeal before the Joint Collector, Kurnool and the same was admitted without granting any stay or suspension of the impugned proceedings, which are now under challenge.

Heard the learned counsel for the petitioner as well as the learned Govt.Pleader for Civil Supplies.

Without going into the merits or otherwise, this court sitting under Article 226 of the

Constitution of India deems fit and appropriate to direct the first respondent to consider and dispose of the appeal filed by the petitioner against the suspension orders of Revenue Divisional Officer, Kurnool in Rc.No.N/1354/2004, dated 14-3-2005 within a period of six weeks from the date of receipt of a copy of this order on merits and in accordance with law.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

APRIL27th, 2005. ----------

I S L. ELIPE DHARMA RAO , J.

To

1 The Joint Collector, Kurnool District
2 The Revenue Divisional Officer, Kurnool District
3 The Mandal Revenue Officer, Peapully mandal, Kurnool District

4 One CC to Govt.Pleader for Civil Supplies, High Court

Buildings, High Court of AP Hyderabad (OUT).

5 Two CD Copies.

6. One CC to Mr.K.V. Raghuveer, Advocate for the petitioner,

Advocates' Association, High Court of Andhra Pradesh, Hyderabad.